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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No **2011-178**

11 **SABINA JOHANIS**
12 **1328 W 219th Street**
Torrance, CA 90501
13 **Registered Nurse License No. RN 507099**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about December 12, 1994, the Board of Registered Nursing issued Registered
22 Nurse License Number RN 507099 to Sabina Johanis(Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on February 29, 2012, unless renewed.

25 **JURISDICTION**

26 3. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
27 that the Board may discipline any licensee, including a licensee holding a temporary or an
28

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
6 Code, the Board may renew an expired license at any time within eight years after the expiration.

7 5. This Accusation is brought before the Board of Registered Nursing (Board),
8 Department of Consumer Affairs, under the authority of the following laws. All section
9 references are to the Business and Professions Code unless otherwise indicated.

10 6. Section 2761 of the Code states, in pertinent part:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
15 functions.

16

17 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
18 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
19 Act] or regulations adopted pursuant to it.

20

21 7. California Code of Regulations, title 16, section 1442, states:

22 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
23 the standard of care which, under similar circumstances, would have ordinarily been exercised by
24 a competent registered nurse. Such an extreme departure means the repeated failure to provide
25 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
26 situation which the nurse knew, or should have known, could have jeopardized the client's health
27 or life."
28

1 8. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
4 exercised by a competent registered nurse as described in Section 1443.5."

5 STATUTORY PROVISIONS

6 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 FIRST CAUSE FOR DISCIPLINE

11 (Gross Negligence)

12 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1) in
13 that on September 1, 2007, while employed at Harbor-UCLA Medical Center, she committed acts
14 of gross negligence and/or incompetence by failing to assess Patient A upon her return from
15 dialysis as well as document vital signs between the hours of 0700-1446.¹

16 SECOND CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 11. Respondent is subject to disciplinary action under section 2761, subdivision (a) in
19 that on October 30, 2005, while employed at Harbor-UCLA Medical Center, she committed an
20 act of unprofessional conduct by falsifying a physician order.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number RN 507099, issued to
25 Sabina Johannis;

26
27 ¹ Patients will be identified in alphanumeric form due to the redacted nature of the
28 medical records received from Harbor-UCLA Medical Center.

1 2. Ordering Sabina Johanis to pay the Board of Registered Nursing the reasonable costs
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code
3 section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: _____

9/1/10



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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